Appendix

CALIFORNIA GOVERNMENT CODE

5. Absence of liability for injury in absence of ...: Statutory liability as subject to immunity ...fenses.

...ept as otherwise provided by statute:

A public entity is not liable for an injury, ...er such injury arises out of an act or omission ... public entity or a public employee or any other ...n.

... The liability of a public entity established by ...art (commencing with Section 814) is subject to ...mmunity of the public entity provided by stat... including this part, and is subject to any de... that would be available to the public entity if ...e a private person.

...ded by Stats 1963 ch 1681 § 1.

...8. Absence of liability for exemplary and puni... ...damages.

...withstanding any other provision of law, a pub...tity is not liable for damages awarded under ...n 3294 of the Civil Code or other damages im... primarily for the sake of example and by way ...nishing the defendant.

...ded by Stats 1963 ch 1681 § 1.

§ 818.2. Causes of injury not basis for liability: Adoption or failure to adopt enactment: Failure to enforce law.

A public entity is not liable for an injury caused by adopting or failing to adopt an enactment or by failing to enforce any law.

Added by Stats 1963 ch 1681 § 1.

§ 818.4. Same: Determination as to issuance, denial, suspension or revocation of license, etc.

A public entity is not liable for an injury caused by the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order, or similar authorization where the public entity or an employee of the public entity is authorized by enactment to determine whether or not such authorization should be issued, denied, suspended or revoked.

Added by Stats 1963 ch 1681 § 1.

§ 818.8. Same: Employee's misrepresentation.

A public entity is not liable for an injury caused by misrepresentation by an employee of the public entity, whether or not such misrepresentation be negligent or intentional.

Added by Stats 1963 ch 1681 § 1.

§ 820.2. When employee not liable: Exercise of discretion.

Except as otherwise provided by statute, a public employee is not liable for an injury resulting from

his act or omission where the act or omission was the result of the exercise of the discretion vested in him, whether or not such discretion be abused.

Added by Stats 1963 ch 1681 § 1.

§820.4. Same: Non-negligent law execution or enforcement: Absence of immunity for false arrest or imprisonment.

A public employee is not liable for his act or omission, exercising due care, in the execution or enforcement of any law. Nothing in this section exonerates a public employee from liability for false arrest or false imprisonment.

Added by Stats 1963 ch 1681 § 1.

§821.2. Same: Determination as to issuance, denial, suspension or revocation of license, etc.

A public employee is not liable for an injury caused by his issuance, denial, suspension or revocation of, or by his failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order, or similar authorization where he is authorized by enactment to determine whether or not such authorization should be issued, denied, suspended or revoked.

Added by Stats 1963 ch 1681 § 1.

§821.6. Same: Institution or prosecution of judicial or administrative proceeding.

A public employee is not liable for injury caused by his instituting or prosecuting any judicial or ad-

ministrative proceeding within the scope of his employment, even if he acts maliciously and without probable cause.

Added by Stats 1963 ch 1681 § 1.

§ 822.2. Same: Misrepresentation not constituting actual fraud, etc.

A public employee acting in the scope of his employment is not liable for an injury caused by his misrepresentation, whether or not such misrepresentation be negligent or intentional, unless he is guilty of actual fraud, corruption or actual malice.

Added by Stats 1963 ch 1681 § 1.

§ 844.6. Injury by or to prisoner: Absence of liability of public entity: Exception as to liability of vehicle owners and operators: Exception as to dangerous property conditions: Absence of exoneration of public employee: Payment of judgment, etc., and indemnification of employee: Licensed employee's malpractice.

(a) Notwithstanding any other provision of this part, except as provided in this section and in Sections 814, 814.2, 845.4, and 845.6, a public entity is not liable for:

(1) An injury proximately caused by any prisoner.

(2) An injury to any prisoner.

(b) Nothing in this section affects the liability of a public entity under Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code.

(c) Except for an injury to a prisoner, nothing in this section prevents recovery from the public entity for an injury resulting from the dangerous condition of public property under Chapter 2 (commencing with Section 830) of this part.

(d) Nothing in this section exonerates a public employee from liability for injury proximately caused by his negligent or wrongful act or omission. The public entity may but is not required to pay any judgment, compromise or settlement, or may but is not required to indemnify any public employee, in any case where the public entity is immune from liability under this section; except that the public entity shall pay, as provided in Article 4 (commencing with Section 825) of Chapter 1 of this part any judgment based on a claim against a public employee who is lawfully engaged in the practice of one of the healing arts under any law of this state for malpractice arising from an act or omission in the scope of his employment, and shall pay any compromise or settlement of a claim or action, based on such malpractice, to which the public entity has agreed.

Added by Stats 1963 ch 1681 § 1; Amended by Stats 1970 ch 1099 § 5.

§ 845.2. Same: Failure to provide prison, correctional facility, equipment, personnel, etc.

Except as provided in Chapter 2 (commencing with Section 830), neither a public entity nor a public employee is liable for failure to provide a prison, jail or penal or correctional facility or, if such facility is

provided, for failure to provide sufficient equipment, personnel or facilities therein.

Added by Stats 1963 ch 1681 § 1.

§ 845.4. Absence of liability for interference with prisoner's right to judicial determination as to legality of confinement: Liability for injury caused by interference.

Neither a public entity nor a public employee acting within the scope of his employment is liable for interfering with the right of a prisoner to obtain a judicial determination or review of the legality of his confinement; but a public employee, and the public entity where the employee is acting within the scope of his employment, is liable for injury proximately caused by the employee's intentional and unjustifiable interference with such right, but no cause of action for such injury shall be deemed to accrue until it has first been determined that the confinement was illegal.

Added by Stats 1963 ch 1681 § 1; Amended by Stats 1970 ch 1099 § 6.

§845.6. Absence of liability for failure to furnish prisoner medical care: Exception as to employee acting within scope of his employment failing to take reasonable action: Absence of exoneration where licensed employee guilty of malpractice.

Neither a public entity nor a public employee is liable for injury proximately caused by the failure of the employee to furnish or obtain medical care for a prisoner in his custody; but, except as otherwise provided by Sections 855.8 and 856, a public employee,

and the public entity where the employee is acting within the scope of his employment, is liable if the employee knows or has reason to know that the prisoner is in need of immediate medical care and he fails to take reasonable action to summon such medical care. Nothing in this section exonerates a public employee who is lawfully engaged in the practice of one of the healing arts under any law of this state from liability for injury proximately caused by malpractice or exonerates the public entity from its obligation to pay any judgment, compromise, or settlement that it is required to pay under subdivision (d) of Section 844.6.

Added by Stats 1963 ch 1681 § 1; Amended by Stats 1970 ch 1099 § 7.

§ 845.8. Absence of liability as to prisoner's parole or release: Absence of liability for injury caused by escaping or escaped prisoner.

Neither a public entity nor a public employee is liable for:

(a) Any injury resulting from determining whether to parole or release a prisoner or from determining the terms and conditions of his parole or release or from determining whether to revoke his parole or release.

(b) Any injury caused by:

(1) An escaping or escaped prisoner;

(2) An escaping or escaped arrested person; or

(3) A person resisting arrest.

Added by Stats 1963 ch 1681 § 1; Amended by Stats 1970 ch 1099 § 8.

§ 846. Absence of liability for failure to make arrest or retain person in custody.

Neither a public entity nor a public employee is liable for injury caused by the failure to make an arrest or by the failure to retain an arrested person in custody.

Added by Stats 1963 ch 1681 § 1.